



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,115	07/15/2003	David T. Jennings III	BRI/021	8635

7590 12/07/2004

Thomas J. Brindisi, Esq.
Suite B
20 28th Place
Venice, CA 90291

EXAMINER

CHAMBERS, TROY

ART UNIT	PAPER NUMBER
----------	--------------

3641

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,115

Applicant(s)

JENNINGS, DAVID T.

Examiner

Troy Chambers

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 3752081 issued to McKeown. (Col. 5, ll. 25-40).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prinz in view of McKeown. Prinz discloses a pyrotechnic device as discussed in the previous office action. Prinz does not appear to include a constant current charging module as claimed by the applicant. McKeown discloses such a module (col. 5, ll. 25-40) included in a blasting machine. At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the pyrotechnic device of Prinz with the constant current charging module of McKeown. The suggestion/motivation for doing so would have been to charge a capacitor at a fast rate.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prinz and McKeown and in further view of Jullian. Prinz is as discussed above and in the previous Office action. McKeown is discussed above. Jullian is as discussed in the previous Office action. At the time of the invention, one of ordinary skill in the art would have found it obvious to employ the Jullian's method of employing a blasting galvanometer "logger", a blasting machine, and programmable electronic detonators, in order to achieve the desired effect of the capability of identifying individual electronic detonators with a unique address, which would allow a blasting machine to arm and fire individual electronic detonators or a plurality of electronic detonators.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prinz and McKeown in further view of U.S. 4227461 issued to Beezley. Prinz and McKeown have been discussed. However, neither reference appears to check or monitor capacitance. Beezley discloses such a check (claim 5). At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the combination of Prinz and McKeown with the monitor of Beezley. The suggestion/motivation for doing so would have been to bleed the capacitor when necessary.

Response to Arguments

5. With regards to argument section 1, the finality of the previous action has been withdrawn and made non-final. Hence, the present Office action is made final because the applicant has addressed the rejections of the previous action.

6. With respect to argument section 2, the applicant argues that McKeown discloses a constant current source and not a constant current charging module. The

Art Unit: 3641

applicant is not clear as to what is meant by this statement. If means that the two devices do not share the same name, such an argument is irrelevant since they share the same function---charging of a capacitor. Again, applicant is referred to McKeown, col. 5, ll. 25-40. Applicant also argues that the constant current source of McKeown is "for use in an electronic detonator". However, phrases such as "for use with" are directed to intended use and do not patentably distinguish over the prior art.

7. With respect to argument section 3a, the applicant argues that a capacitor charged to 200 or 400 joules could never result in a workable device as taught by Prinz. However, those specific numbers were not the specific reason for combining. The Examiner was merely attempting to point out that the constant current charger of McKeown could charge a capacitor at a faster rate.

8. With respect to argument section 3b, applicant has concluded that the sole suggestion/motivation for McKeown's use of a constant current source is to "ameliorate the effects of battery deterioration." The applicant then goes on to argue several points based on that conclusion. However, the Examiner has concluded that the suggestion/motivation for combining the two devices would have been to charge the battery at a faster rate. Applicant also makes several arguments in which it is stated that there is no motivation to put a constant current source in each of the pyrotechnic devices. However, the applicant should not that this limitation is not part of the claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on form PTO-892 are cited as of interest to show similar

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

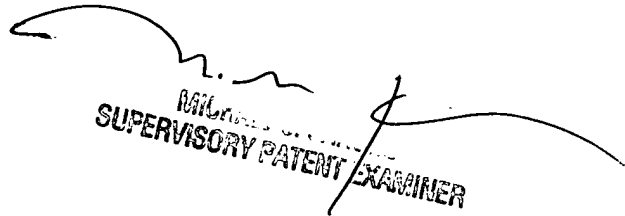
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-

Application/Control Number: 10/620,115

Page 6

Art Unit: 3641

4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


SUPERVISORY PATENT EXAMINER